

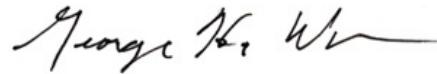
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

FRANCISCO RAMON RAMIREZ, JR.,) Case No. EDCV 08-1042-GW (AJW)
Petitioner,)
v.) JUDGMENT
PAT L. VASQUES, Warden,)
Respondent.)

)

Pursuant to the Court of Appeals' mandate filed on November 28, 2014, it is hereby adjudged that the petition for a writ of habeas corpus is **granted** with respect to petitioner's claim that his upper term sentence for the use of a firearm was imposed in violation of his Sixth Amendment right to a jury trial. Respondent is directed to treat petitioner's upper term sentence as a middle term sentence, unless petitioner is resentenced in compliance with Blakely v. Washington, 542 U.S. 296 (2004) and Cunningham v. California, 549 U.S. 270 (2007) within ninety (90) days of the entry of judgment. See Chioino v. Kernan, 581 F.3d 1182, 1186 (9th Cir. 2009). In all other respects, the petition is **denied**.

Dated: December 23, 2014



George H. Wu
United States District Judge